

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

RENEE ZINSKY,

Civil Action

Plaintiff,

No. 2:22-cv-547

vs.

Judge Horan

MICHAEL RUSSIN, RUSSIN FINANCIAL,
RUSSIN GROUP, SIMON ARIAS, III,
ARIAS AGENCIES, S.A. ARIAS HOLDINGS, LLC,
AMERICAN INCOME LIFE INSURANCE
COMPANY,

Defendants.

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR CONTEMPT AS TO DEFENDANT MICHAEL RUSSIN

AND NOW, comes the Plaintiff, Renee Zinsky, by and through undersigned counsel avers as follows:

1. On or about April 26, 2022, Plaintiff filed an Amended Complaint, alleging legal claims against Defendant, Michael Russin (“Defendant Russin”) as follows: sexual assault, battery, false imprisonment, and intentional infliction of emotional distress.

1. On or about November 1, 2022, Plaintiff filed a Second Amended Complaint (“Second Amended Complaint”), adding claims of defamation and intrusion of seclusion against Defendant Russin.

2. The Second Amended Complaint is based on Defendant Russin’s ongoing threats, harassment, and intimidation tactics including but not limited to the following particulars:

a. Immediately after learning Plaintiff escalated her complaints of sexual harassment, Russin stated as follows:

The best defense sometimes is a good offense. And I'm ready to play

offense... if you're going to try to take food out of my child's mouth, I will come to you, physically, and I will peel the skin off your face and take your eyes out and I'll feed them to him. And then I'll eat your liver. I'm not kidding. I'm dead serious.

- b. On or about December 2021, and on subsequent occasions, Russin published a photograph of his face with the caption “***Fuck Around and Find Out***”. (Emphasis added.)
- c. On or about December 2021, Defendant Russin stated “*Your beatings will continue. Until my morale improves, I don't hate you, I'm just removing an enemy Remorse is for the dead.*”
- d. On or about December 4, 2021, Russin referred to himself as “*240 lbs of sex drive and violence*” and “*The rise of matriarchy in the form of pseudo feminism and medical state will likely need stamped out by violence.*”
- e. On or about January 10, 2022, Russin stated as follows:

You need to be engaged physically as a man if you want to feel like a man ... Do not listen to these dumbass women ... We are supposed to fight ... the big problem in society is that most people haven't been punched in the face ... More people need to start getting punched in the face.

- f. On or about January 13, 2022, Russin stated as follows:

*If you're a man and you're successful, then you're a target. It's just the way that it is ... I can't even get into certain things legally... this is how to protect yourself as a man in business ... get legal counsel on retainer and make it very publicly known ... ***Fuck Around and Find Out*** ... women make up the majority of lawsuits in business. It's just what they do...*

- g. On or about January 15, 2022, Russin reiterated the need for men to publicize that they have legal counsel on retainer so to make it known: “***fuck around and find out***”.
- h. On or about February 23, 2022, Russin contacted Plaintiff's counsel directly via Instagram threatening, “*Do you think I don't know who you are?*”
- i. On or about April 30, and ongoing , Defendant Russin published a photograph of wild animal violently killing another wild animal with the caption “*Your Time Is Coming*”. Thereafter, Russin published numerous iterations of the same threat on at least three additional occasions: a) “*Your Time Will Come*”; b) “*Your time is coming... Daily reminder*”; and c) “*Soon*”.

- j. On or about May 8, 2022, Defendant Russin directly contacted Plaintiff's employer, Virgo + Garnet, threatening to appear in person at the Virgo + Garnet store.
- k. On or about June 2022, Plaintiff received cryptic text messages from an unknown phone number, stating "*Hi ... Hello*". The sender refused to identify themselves.
- l. On or about June 2022, Defendant Russin stated "*Being nice is overrated. Just get a good lawyer and choose violence.*"
- m. On or about July 15, 2022, Defendant Russin discussed his history of violence, unstable mental health and crime as follows:

I have been involved ... in violent situations where I have had to be extremely violent ... and I've seen people be extremely violent and I've been around extreme violence ... close encounters with law enforcement ... I've been locked up in the looney bin... charged with 8 felonies and beat the cases... it's very easy to feel like you're the devil...

- n. On July 20, 2022, Defendant Russin advocated violence by stating as follows:

*I'm ready for violence ... I don't believe in peace as a person, at all ... If I come to your house and I grab your wife and put a gun to her head, what are you gonna do?... **Everything in life is violence.** You've gotta be prepared for it, especially now... Be ready. It's gametime.*

- o. On or about August 1, 2022, Plaintiff's vehicle was vandalized while parked outside of her residence. It is believed and therefore averred that said vandalism was caused by Defendant Russin.
- p. On at least three separate occasions in August 2022, Plaintiff's counsel received at least three cryptic text messages from a sender who refused to identify themsselves (similar to those received by Plaintiff as noted above).
- q. On or about August 2022, Defendant Russin published a photograph of himself captioned "*War Ready*".
- r. On or about September 3, 2022, two days after being admonished by this Honorable Court, Defendant Russin published another photograph of himself captioned "*WAR READY V2 BABY LETS GOOOOOO*".
- s. On or about September 15, 2022, Defendant Russin threatened one of Plaintiff's witnesses in this matter, Charles Ferarri ("Ferarri"), as follows: "*After I'm done chewing up the whores up in court you're next ... This'll be really good for the lawyers*".

See Plaintiff's Second Amended Complaint [Doc. No. 49.]

3. On or about Sept 1, 2022, this Honorable Court openly admonished Defendant Russin's conduct, declaring same as "brash" and "appalling", *inter alia*. This Honorable Court made clear to Defendant Russin's counsel, decreeing in no uncertain terms, that said conduct "would not be tolerated" going forward.

4. On or about September 5, 2022, Plaintiff's counsel memorialized Judge Horan's comments in a letter directed to Defendant Russin's counsel. *See Letter from Plaintiff's counsel, Amy Williamson, to Defendant Russin's counsel, Benjamin Webb, dated September 5, 2022 attached hereto as Exhibit "A".*

5. On or about December 21, 2022, Plaintiff's counsel and Defendant Russin's counsel agreed that Defendant Russin's Answers to Interrogatories and Responses to Request for Production of Documents would be due on December 23, 2022. *See Email from Plaintiff's counsel to Defendant Russin's counsel dated December 23, 2022 attached hereto as Exhibit "B".*

6. True to form, on or about December 22, 2022 Defendant Russin published a threatening message that a "dear old friend... getting a big batch of presents tomorrow." Id.

7. On or about December 22, 2022, Plaintiff's counsel sent Defendant Russin's counsel an email, alerting him to his clients ongoing conduct of growing concern. *See Id.*

8. Yet, Defendant Russin continues to disobey the Court, instill fear, and obstruct justice.

9. On March 8, 2023, Defendant Russin threatened a second witness of Plaintiff's, Matthew Mamros.

10. Specifically, Defendant Russin contacted Matthew Mamros via Instagram messenger stating as follows:

*Are you prepared for violence?
All this time you spend at 2am sending emails – do you ever think of the safety of your children?
Oh no wait this isn't the old hag*

This is the young liar

(Emphasis Added). See Defendant Russin's Instagram Message dated March 8, 2023 attached hereto as **Exhibit "C"**. See also Matthew Mamros Affidavit attached hereto as **Exhibit "D"**.

11. In sum, Defendant Russin has threatened Plaintiff, Plaintiff's counsel, two of Plaintiff's witnesses, and Plaintiff's employer on numerous occasions since the onset of this litigation.

12. Defendant Russin has been clearly warned, particularly by this Honorable Court, that Defendant Russin's appalling conduct would not be tolerated. Yet, Defendant Russin's deliberate threatening and harassing conduct continues to date.

13. Pursuant to 18 U.S.C. 401, this Honorable Court has the power and discretion to punish contempt of its authority including but not limited to in the following manner:

- 1) Misbehavior or any person in its presence or so near thereto as to obstruct the administration of justice; and,
...
3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

14. Defendant Russin's continued attacks on Plaintiff, Plaintiff's counsel and Plaintiff's witnesses (all necessary to Plaintiff's prosecution of this case) rises to the level of obstruction of and imminent threat to the administration of justice.

15. Pursuant to Fed. R. Civ. P. 37(b), a party who disobeys a court order may be sanctioned as follows:

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;

- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

16. Pursuant to Fed. R. Civ. P. 37(b), Fed. R. Civ. P. 70, and 18 U.S.C. §401, Plaintiff seeks relief from this Honorable Court in the form of sanctions as follows:

- a. Deem as contempt of Court Defendant Russin's failure to obey this Honorable Court's decree to cease and desist threatening and harassing conduct against Plaintiff;
- b. Deem the facts as designated in Plaintiff's Second Amended Complaint as established for purposes of this matter;
- c. Prohibit Defendant Russin from opposing the designated facts pursuant to Plaintiff's Second Amended Complaint;
- d. Criminal punishment for Defendant Russin, including but not limited to imprisonment, or other criminal punishment in line with the federal sentencing guidelines;
- e. Reasonable attorney's fees and costs related to the preparation of this Motion for Contempt in the amount of \$2,000.00; and,
- f. Any other relief this Court deems appropriate.

WHEREFORE, Plaintiff's counsel respectfully requests this Court grant a Plaintiff's Motion for Contempt in this matter.

Respectfully submitted,

/s/ Amy N. Williamson
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CERTIFICATE OF SERVICE

I hereby certify on this day of 22 April, 2023 I electronically served a copy of the foregoing
MOTION FOR CONTEMPT AS TO DEFENDANT MICHAEL RUSSIN via the CM/ECF system
which will send notification of such filing.

/s/ Amy N. Williamson _____

Amy N. Williamson, Esq.